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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

Dated this the 26th day of May, 1998

Before:

THE HON'BLE MR. JUSTICE R.V. RAVEENDRAN

Writ Petition Nos. 19008 to 19009 of 1992

1. Sri Krishnoji Balaji Salunkhe,  
Occu: Agriculture,  
r/o Babale Galli,  
Anagol, Belgaum;
2. Sri Bhavakanna Yado Mutagekar,  
Occu: Agriculture, r/o: 444,  
Raghunath Peth, Anagol, Belgaum .. Petitioners  
(By Sri H. Thipperudrappa, Advocate)

-Vs-

1. The Chairman,  
Improvement Board, Belgaum,  
now Successor,  
The Commissioner, Belgaum  
Urban Development Authority,  
Belgaum;
2. Special Land Acquisition Officer,  
Belgaum Urban Development Authority,  
Belgaum .. Respondents  
(By M/s. Patil & Associates, Advocates, for R1;  
R2 served)

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Writ Petitions are filed praying to declare preliminary notification dated 3-6-1982 vide Annexure-E issued by the respondent/the then Improvement Board, Belgaum as lapsed and ineffective and actions taken in pursuance thereof is illegal.

These writ petitions coming on for preliminary hearing in 'B' Group this day, the Court made the following:-

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ORDER

Respondents filed objections.

2. The petitioners who claim to be the owners of lands in R.S.Nos.666/2 and 667 of Anagol village, Belgaum Taluk, have filed these petitions for a declaration that the preliminary notification dated 3-6-1982 [Annexure-E] issued by the City Improvement Trust Board, Belgaum, had lapsed and has become ineffective and, therefore, the action taken in pursuance of it is illegal. They have also sought a direction to the respondents not to interfere with their possession.

3. When the matter came up today, learned Counsel for the petitioners stated that the preliminary notification has been followed by a final notification dated 4-5-1992, gazetted on 4-6-1992, and the petitioners became aware of it only when the respondents filed their objections in the connected petition and, therefore, they may be permitted to withdraw these petitions reserving liberty to file fresh petitions challenging the final notification also. The learned Counsel for

RVR

the respondents objects to the said request on the ground that the final notification had been issued even before the filing of these petitions and there is absolutely no justification for reserving such liberty.

4. What is challenged is the preliminary notification dated 3-6-1982. The petitioners have proceeded on the basis that there was no final notification. The objections are filed in these petitions only today. Therefore, the request of the petitioners for reserving liberty cannot be said to be unreasonable.

5. Hence, these petitions are dismissed as withdrawn, reserving liberty to the petitioners to file fresh petitions by challenging the final notification also. All questions <sup>and contentions</sup> are left open.

Bnr/-



Sd/-  
JUDGE